



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

00000003



177738

SEP 14 1990

REPLY TO ATTENTION OF: 5CS-TUB-3

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Janet Smith  
NL Industries, Inc.  
Office of General Counsel  
445 Park Avenue  
New York, New York 10022

Dear Ms. Smith:

On August 31, 1990, U.S. EPA received an offer from NL Industries, Inc. to commence negotiations for the remedial design and remedial action of the NL Industries/Taracorp Superfund Site in Granite City, Illinois (the "NL Site"). The purpose of this letter is to inform you that the offer presented by NL Industries is not a "good faith" offer as that term is defined in the special notice letter of June 25, 1990, which U.S. EPA sent to NL.

A good faith offer must not be significantly different from U.S. EPA's Record of Decision (ROD). The ROD specifies that the cleanup of the NL Site must include a soil-lead cleanup of no more than 500 parts per million (ppm) lead in soil. The primary reason NL's offer does not form the basis for formal negotiations is the offer's failure to accept the 500 ppm cleanup standard.

Please direct all future contacts between NL and the United States related to this matter to Steven Siegel of our Office of Regional Counsel. Please be advised, however, that additional meetings with NL for the purpose of achieving a negotiated settlement of this matter are not warranted so long as NL refuses to accept the cleanup standards expressed in the Record of Decision.

Sincerely,

Norman R. Niedergang  
Acting Associate Division Director  
Office of Superfund